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PATENT  
Attorney Docket No.: 020979-002210US

On 1-13-04

TOWNSEND and TOWNSEND and CREW LLP

By: Edward Masinas

Edward Masinas

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

RONALD G. FRENCH et al.

Application No.: 10/715,650

Filed: November 17, 2003

For: PASSIVE VENTRICULAR  
SUPPORT DEVICES AND METHODS  
OF USING THEM

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/963,921, filed September 25, 2001 (Attorney Docket No. 020979-002200US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

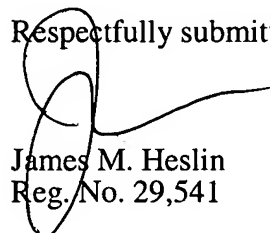
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

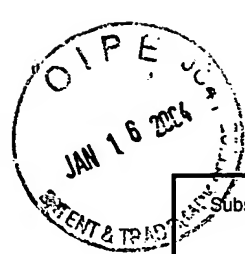
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

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JMH:bjl  
60110253 v1



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/715,650	
			Filing Date	November 17, 2003	
			First Named Inventor	FRENCH, RONALD G.	
			Art Unit	Unassigned	
			Examiner Name	Unassigned	
Sheet	1	of	5	Attorney Docket Number	020979-002210US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	AA	US-2,826,193	03/1958	Vineberg	
	AB	US-3,464,322	09/1969	Pequignot	
	AC	US-3,513,836	05/1970	Sausse	
	AD	US-3,587,567	06/1971	Schiff	
	AE	US-3,613,672	10/1971	Schiff	
	AF	US-3,983,863	10/1976	Janke et al.	
	AG	US-4,536,893	08/1985	Parravicini	
	AH	US-4,628,937	12/1986	Hess et al.	
	AI	US-4,690,134	09/1987	Snyders	
	AJ	US-4,827,932	05/1989	Ideker et al.	
	AK	US-4,936,857	06/1990	Kulik	
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	AN	US-4,973,300	11/1990	Wright	
	AO	US-5,098,369	03/1992	Heilman et al.	
	AP	US-5,119,804	06/1992	Anstadt	
	AQ	US-5,131,905	07/1992	Grooters	
	AR	US-5,256,132	10/1993	Snyders, R.V.	
	AS	US-5,336,254	08/1994	Brennen et al.	
	AT	US-5,383,840	01/1995	Heilman et al.	
	AU	US-5,603,337	02/1997	Jarvik	
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	AW	US-5,702,343	12/1997	Alferness	
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	AZ	US-5,800,528	09/1998	Lederman et al.	
	BA	US-5,900,528	05/1999	Bergquist	
	BB	US-5,961,440	10/1999	Schweich, Jr. et al.	
	BC	US-6,037,366	03/2000	Krall et al.	
	BD	US-6,045,497	04/2000	Schweich, Jr. et al.	
	BE	US-6,050,936	04/2000	Schweich, Jr. et al.	
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	BG	US-6,076,013	06/2000	Brennan et al.	
	BH	US-6,077,214	06/2000	Mortier et al.	
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	BJ	US-6,085,754	07/2000	Alferness et al.	
	BK	US-6,109,972	08/2002	Leinonen et al.	
	BL	US-6,110,100	08/2000	Talpade	
	BM	US-6,123,662	09/2000	Alferness et al.	
	BN	US-6,126,590	10/2000	Alferness	
	BO	US-6,155,972	12/2000	Nauertz et al.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

5

**Complete if Known**

Application Number

10/715,650

Filing Date

November 17, 2003

First Named Inventor

FRENCH, RONALD G.

Art Unit

Unassigned

Examiner Name

Unassigned

Attorney Docket Number

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**U.S. PATENT DOCUMENTS+**

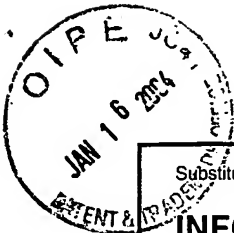
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	BP	US-6,162,168		12/2000	Schweich, Jr. et al.	
	BQ	US-6,165,119		12/2000	Schweich, Jr. et al.	
	BR	US-6,165,120		12/2000	Schweich, Jr. et al.	
	BS	US-6,165,121		12/2000	Alferness	
	BT	US-6,165,122		12/2000	Alferness	
	BU	US-6,169,922		01/2001	Alferness et al.	
	BV	US-6,174,279		01/2001	Girard	
	BW	US-6,183,411		02/2001	Mortier et al.	
	BX	US-6,190,408		02/2001	Melvin	
	BY	US-6,193,648		02/2001	Krueger	
	BZ	US-6,210,432		04/2001	Solem et al.	
	CA	US-6,224,540		05/2001	Lederman et al.	
	CB	US-6,230,714		05/2001	Alferness et al.	
	CC	US-6,231,602		05/2001	Carpentier et al.	
	CD	US-6,234,960		05/2001	Aboul-Hosn et al.	
	CE	US-6,237,607		05/2001	Vanney et al.	
	CF	US-6,241,654		06/2001	Alferness	
	CG	US-6,260,552		07/2001	Mortier et al.	
	CH	US-6,261,222		07/2001	Schweich, Jr. et al.	
	CI	US-6,264,602		07/2001	Mortier et al.	
	CJ	US-6,264,645		07/2001	Jonkman	
	CK	US-6,293,906		09/2001	Vanden Hoek et al.	
	CL	US-6,425,856		07/2002	Shapland et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	CM	SU	SU 1009457A		04/1983			<input type="checkbox"/>
	CN	GB	GB 2 115 287 A		09/1983			<input type="checkbox"/>
	CO	EP	EP 0 370 931 A1		05/1990			<input type="checkbox"/>
	CP	FR	2 645 739		10/1990			<input type="checkbox"/>
	CQ	JP	2-271829		11/1990			<input type="checkbox"/>
	CR	SU	SU 1734767 A1		05/1993			<input type="checkbox"/>
	CS	WO	WO 00/44287 A1		08/2000			<input type="checkbox"/>
	CT	WO	WO 01/67985		09/2001			<input type="checkbox"/>

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Sheet	3	of	5	Attorney Docket Number	020979-002210US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CU	Athanasuleas, C. et al., (2001). "Surgical Anterior Ventricular Endocardial Restoration (SAVER) in the Dilated Remodeled Ventricle After Anterior Myocardial Infarction," <i>JACC</i> 37(5):1199-1209.	
	CV	Comedicus, Inc. The PerDucer™ Brand Pericardiocentesis Device at << <a href="http://www.comedicus.com/index.cfm">http://www.comedicus.com/index.cfm</a> >> visited on December 3, 2001, 4 pages.	
	CW	Mussivand, T. (1999). "Mechanical Circulatory Devices for the Treatment of Heart Failure," <i>J.Card. Surg.</i> Vol 13:218-228.	
	CX	Somanectics Press Release (April 4, 2001) "Journal of the American College of Cardiology Study Highlights SAVR, A Congestive Heart Failure Treatment" at << <a href="http://www.somanectics.com/April42001.htm">http://www.somanectics.com/April42001.htm</a> >>, 2 pages.	
	CY	Somanectics Press Release (May 7, 2001) "13-Center SAVR Study Results Presented to Thoracic Surgeons" at << <a href="http://www.somanectics.com/May72001.htm">http://www.somanectics.com/May72001.htm</a> >>, 2 pages.	

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